HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 5878 (S/S) 2001
(Old No. 7859/1994)

Manoj Kumar S/o Sri Harvir Singh,
Lab Assistant,
Raja Mahendra Pratap Prem Mahavidhyalaya,
Narsan, Haridwar,
District Haridwar. ----Petitioner.

Vs.

1. Deputy Director of Education
   Meerut Region, Meerut,
   Uttaranchal Shasan, Dehradun,
2. District Inspector of Schools,
   Haridwar,
3. Committee of Management,
   Raja Mahendra Pratap Prem Mahavidhyalaya,
   Narsan, district Haridwar,
   Through its Manager Sri Bhopal Singh. ----Respondents.

Sri S.K. Posti, learned counsel for the petitioner,
Ld. Standing Counsel for the respondent no. 1 & 2.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.K. Posti, learned counsel for the petitioner and learned Standing Counsel for the State/respondent no. 1 & 2.

2. By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of mandamus commanding the respondents to pay salary to the petitioner to the post of Lab Assistant.

3. Submission of the learned counsel for the petitioner is that he was appointed as Lab Assistant in the Raja Mahendra Pratap Prem Mahavidhyalaya, Narsan, district Haridwar. His appointment was duly approved by the Deputy Director of

Education, Meerut vide its order dated 01.11.1991. In the month of June 1993, the newly constituted Committee of Management took over charge and stopped payment of salary to the petitioner from the month of July 1993. On the representation moved by the petitioner, the District Inspector of Schools, Haridwar directed the Committee of Management and the Principal of the Institution to make payment of the salary to the petitioner. Thereafter, the newly constituted Committee of Management recommended termination of the services of the petitioner to the District Inspector of Schools, the D.I.O.S. in turn disapproved the said resolution of the Committee of Management vide its order dated 14.01.1994.

4. Since the petitioner was not getting salary, the petitioner preferred present writ petition before the Allahabad High Court on 03.03.2004 and the Allahabad High Court passed order directing the respondents to pay salary to the petitioner or to show cause as to why the salary is not being paid to the petitioner.

5. Learned counsel for the petitioner submits that the Committee of Management has filed an affidavit before the Allahabad High Court, which is not in the record. In the said affidavit, it was submitted by the Committee of Management that the previous Committee of Management with some ulterior motive terminated the service of the petitioner, but since the said termination order was disapproved by the then competent authority i.e. that District Inspector of Schools, the termination order is not in existence. The selection of the petitioner was held in accordance with law.

6. Learned counsel for the petitioner has submitted that in pursuance of the High Court’s order, the petitioner is getting salary regularly.

7. Since the grievances of the petitioner have already been redressed by the Committee of Management and the petitioner is being paid salary regularly, the writ petition has become infructuous.

8. Accordingly, the writ petition is dismissed being infructuous.

(M.M. Ghildiyal, J.)

March 8, 2006:
NCM: